

REMARKS

Claims 1-10 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1, 2, and 4-10 have been amended to improve their form in light of the telephonic interview held October 11, 2007. Independent claims 1, 6, 9, and 10 further have been amended to incorporate the feature set forth in original claim 7, namely apportioning the measures for each of the staff tiers so that each of the measures is positioned only on a single staff tier and not spanning across multiple staff tiers. No new matter has been introduced.

Interview & § 101 Rejection

Claims 1-8 were rejected under 35 U.S.C. § 101 because the examiner believes that the recited elements are not physical structure but rather read on a computer program. The undersigned discussed the § 101 rejection with the examiner to determine how the examiner is interpreting the claim elements. The examiner explained that the § 101 rejection essentially stems from the form of the claims. According to the examiner, the claimed devices are deemed to be readable on a computer program per se rather than a physical structure. The examiner kindly suggested that claiming a display monitor would overcome the § 101 rejection.

In the interest of drafting the claims more clearly, however, applicants have positively defined a controller in independent claims 1 and 6. A controller programmed to perform particular functions becomes a specialized controller, the functionality of which can be expressed as one or more means-plus-function elements or separate structural elements. Applicant submits that the present amendment overcome the § 101 rejection since a controller is a physical device.

Art Rejection

Claims 1-10 were rejected under 35 U.S.C. § 102(b) as anticipated by Matsumoto (USPGP 20010023633). Applicant traverses this rejection because Matsumoto would not have disclosed or taught the claimed controller that controls the display in a particular manner set forth in independent claims 1, 6, 9, and 10.

Specifically, independent claims 1 and 6 now each call for a controller that has a measure apportioning device that apportions the measures for each of the staff tiers so that

each of the measures is positioned only on a single staff tier and not spanning across multiple staff tiers. Moreover, dependent claims 2 and 8 define that the music score notational elements are notes. Independent claims 9 and 10 respectively parallel claims 1 and 6.

Despite how broadly the examiner interprets the claimed limitations, Matsumoto simply fails to disclose or teach at least the apportioning feature as presently set forth in the independent claims, in particular, apportioning each of the measures so that each measure is positioned only on a single staff tier and not spanning across multiple staff tiers.

Conclusion

Applicant submits that claims 1-10 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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26 OCTOBER 2007

DATE

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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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